

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND ZONING VARIANCE * ZONING COMMISSIONER
S/S Old North Point Road *
50 ft. SE of C/I of Trappe Rd. * OF BALTIMORE COUNTY
3001 Old North Point Road *
12th Election District * CASE # 91-127-SPHA
Robert G. Gemmill, et ux
Petitioners *****

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request, pursuant to the Petition for Special Hearing, approval for termination of the existing Special Exception granted in Case No. 3662-RX in accordance with Sections 405.6.D and 500.7; a Petition for Zoning Variance from Section 232.3(b) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 5 ft. rear yard setback in lieu of the minimum 20 ft., as more particularly described on Petitioners' Exhibit 1.

The Petitioner, Robert G. Gemmill, appeared, testified and was represented by John B. Gontrum, Esquire. Appearing on behalf of the Petitioner were Ken Colbert and Bob Fitzgerald. There were no Protestants.

Testimony indicated that the subject property known as 3001 Old North Point Road consists of .76 acres +/- zoned B.L.-C.C.C. and is currently improved with an existing service station which is slated for razing, as indicated on Petitioners' Exhibit No. 1.

Proffered testimony indicated that Petitioner is desirous of constructing a Seven-Eleven/Gas and Go facility on the subject site to replace the existing Seven-Eleven food store located on an adjacent property, as indicated on Petitioner's Exhibit No. 1. Testimony indicated that a special exception was granted pursuant to Case No. 3662-RX for the existing service station on the site which contains three (3) service bays. The Petitioner

intends to raze the existing improvements on the site and relocate the entrances to comply with current highway engineering standards.

Proffered testimony also indicated Petitioner's concern regarding the Bureau of Traffic Engineering's October 2, 1990 comment requesting the enlargement of the right of way along Trappe Road to accommodate the proposed traffic signal poles and underground cable, as indicated on Petitioner's Exhibit No. 4.

The Petitioner testified that the north corner of the site (location of said right of way) which is at the intersection of Trappe and Old North Point Roads is the most appropriate place for the proposed Seven-Eleven sign and that increasing the subject right of way would prohibit such placement. The Petitioner had made a request of the Bureau of Traffic Engineering to consider an easement in lieu of the expanded right of way to accommodate the signal poles, underground cable and Petitioner's business sign.

The revised comment from the Bureau of Traffic Engineering dated January 10, 1991 indicated that said Bureau was receptive to the Petitioner's request.

The Petitioner testified that he intends to plant a substantial vegetative buffer along the southwest boundary of the site where the requested variances are located, as indicated on Petitioner's Exhibit No.1. Said exhibit indicates that there is 105 ft. between Petitioner's property line and the nearest building within the Charlesmont Apartment complex. The Petitioner testified that, in view of the layout of this property, he would suffer an undue hardship and practical difficulty should the requested relief be denied.

Proffered testimony also indicated that Petitioner has submitted a zoning reclassification request to change the current B.L.-C.C.C. zoning to

B.L.-C.S.A. or B.L.-C.N.S. to accommodate the proposed use. This reclassification is not before the Zoning Commissioner and, therefore, will not be further addressed in this Order.

Concerning Petitioner's variance request, an area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. Mclean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing was not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special condi-

tions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and zoning variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 23rd day of January, 1991 that, pursuant to Petition for Special Hearing, approval for termination of the existing Special Exception granted in Case No. 3662-RX in accordance with Sections 405.6.D and 500.7, in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED; and,

IT IS FURTHER ORDERED that pursuant to a Petition for Zoning Variance from Section 232.3(b) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 5 ft. rear yard setback in lieu of the minimum 20 ft., in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. All parking lot lighting shall be no more than 12 feet above-grade. All exterior lighting shall be directed downward and shall not diffuse onto any residential property.
3. The Petitioner shall provide a landscape plan to the Office of Current Planning for

ORDER RECEIVED FOR FILING
Date 1/23/91
By Mr. Gontrum

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By Mr. Gontrum

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Date 1/23/91
By Mr. Gontrum

ORDER RECEIVED FOR FILING
Date 1/23/91
By Mr. Gontrum

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-127-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 232.3(b) to permit a 5 foot rear yard in lieu of the minimum 20 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

The proposed location of the building in proximity to the rear property line is necessary to allow for installation of gasoline sales facilities in the future.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.: 686-8274

ORDERED By The Zoning Commissioner of Baltimore County, this 5 day of Sept, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 8 day of Nov, 1990, at 2 o'clock P.M.

ORDER RECEIVED FOR FILING
Date 8/10/90
By Mr. Gontrum

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-127-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve termination of the existing Special Exception granted in Case No. 3662-RX in accordance with Sections 405.6.D and 500.7.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.: 686-8274

ORDERED By The Zoning Commissioner of Baltimore County, this 5 day of Sept, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 8 day of Nov, 1990, at 2 o'clock P.M.

ORDER RECEIVED FOR FILING
Date 8/10/90
By Mr. Gontrum

91-127-SPHA

ZONING DESCRIPTION
3001 OLD NORTH POINT ROAD
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME AT A POINT FORMED BY THE INTERSECTION OF THE SOUTHWEST SIDE OF OLD NORTH POINT ROAD (70°R/W) WITH THE SOUTHEAST SIDE OF TRAPPE ROAD (R/W VARIES) THENCE LEAVING SAID POINT AND RUNNING THE FOLLOWING COURSES AND DISTANCES:

- 1) SOUTH 69 DEGREES 01 MINUTES 30 SECONDS EAST 115.46 FEET
- 2) SOUTH 21 DEGREES 01 MINUTES 27 SECONDS WEST 150.03 FEET
- 3) NORTH 68 DEGREES 58 MINUTES 33 SECONDS WEST 173.17 FEET
- 4) NORTH 41 DEGREES 56 MINUTES 30 SECONDS WEST 23.61 FEET
- 5) NORTH 48 DEGREES 03 MINUTES 30 SECONDS EAST 30.00 FEET
- 6) BY A CURVE TO THE LEFT WITH A RADIUS OF 835.00 FEET AND A ARC LENGTH OF 104.67 FEET
- 7) BY A CURVE TO THE RIGHT WITH A RADIUS OF 25.00 FEET AND A ARC LENGTH OF 30.59 FEET TO THE PLACE OF BEGINNING.

AS RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY MARYLAND IN LIBER 6825, FOLIO 198.

CONTAINING 0.571 ACRES OF LAND MORE OR LESS, AND LOCATED IN THE 12TH ELECTION DISTRICT.



JRH:mmm
cc: Peoples Counsel

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

ORDER RECEIVED FOR FILING
Date 8/10/90
By Mr. Gontrum

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
No 1445
3175

Date 8/10/90 3001 Old North Pt. Rd.
Zoning Variance - \$175.00
Special Hearing - \$175.00
Total - \$350.00
Item #58

04A0#0048MCHRC
BA C009#03AH08-10-90 \$350.00

Cashier Validation: Please make checks payable to: Baltimore County

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
No 3175
1445

Date 8/13/90 H9100058

PUBLIC HEARING FEES	QTY	PRICE
020 - ZONING VARIANCE (OTHER)	1 X	\$175.00
040 - SPECIAL HEARING (OTHER)	1 X	\$175.00
TOTAL:		\$350.00

LAST NAME OF OWNER: GEMMILL

PAID PER HAND-WRITTEN RECEIPT DATED 8/10/90

Please make checks payable to: Baltimore County

Cashier Validation:

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

91-127

District: 12th Date of Posting: 8/14/90
Posted for: Special Hearing & Variance
Petitioner: Robert George Gemmill, et ux
Location of property: 3001 Old North Pt. Rd., SE of c/l Trappe Road
Location of Sign: 3001 Old North Pt. Rd., SE of c/l Trappe Road
Remarks: Petition for Special Hearing & Zoning Variance
Posted by: J. Robert Haines
Number of Signs: 2

CERTIFICATE OF PUBLICATION
OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222

October 11, 1990

THIS IS TO CERTIFY, that the annexed advertisement of Balto. Co. Zoning Office - P.O. #0108078 - Reg. #H46096 - Case #91-127-SPHA - 62 lines @ \$31.00 was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for ONE successive weeks before the 12th day of October 1990; that is to say, the same was inserted in the issues of October 11, 1990.

Kimbel Publication, Inc.
per Publisher.
By *Kimbel Delke*

CERTIFICATE OF PUBLICATION
TOWSON, MD. Oct 15, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct 11, 1990.

THE JEFFERSONIAN.
S. Zebe Olin
Publisher

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Petition for Special Hearing and Zoning Variance
Case Number: 91-127-SPHA
S/S Old North Point Road, 50' SE of c/l of Trappe Road
3001 Old North Point Road
12th Election District
7th Councilmanic District
Petitioner(s): Robert George Gemmill, et ux
Hearing Date: Tuesday, Nov. 27, 1990 at 2:00 p.m.
Special Hearing: Termination of the existing Special Exception granted in Case No. 3552-RX Variance to permit a 5 foot rear yard in lieu of the minimum 20 ft.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
10/19/90 Oct. 11

\$34.14

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
No 3949

Date 11/21/90 MP100450

PUBLIC HEARING FEES	QTY	PRICE
080 - POSTING SIGNS / ADVERTISING	1 X	\$115.16
TOTAL:		\$115.16

LAST NAME OF OWNER: GEMMILL

04A0#00127MCHRC
BA C001#039411-27-90 \$115.16

Please make checks payable to: Baltimore County

Cashier Validation:

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 10-26-90

Re: Mr. & Mrs. Robert George Gemmill
3001 Old North Point Road
Baltimore, Maryland 21222

Re: Petitions for Special Hearing and Zoning Variance
CASE NUMBER: 91-127-SPHA
S/S Old North Point Road, 50' SE of c/l of Trappe Road
3001 Old North Point Road
12th Election District - 7th Councilmanic District
Petitioner(s): Robert George Gemmill, et ux
HEARING: TUESDAY, NOVEMBER 27, 1990 at 2:00 p.m.

Dear Petitioners:

Please be advised that \$ 115.16 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

cc: John B. Gontz, Esq.

JRH:gs

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

September 28, 1990

Dennis F. Rasmussen
County Executive

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 91-127-SPHA
PETITIONER(S): Robert George Gemmill, et ux
LOCATION: S/S Old North Point Road, 50' SE of c/l Trappe Road
3001 Old North Point Road

THE ABOVE MATTER HAS BEEN REASSIGNED. HEARING WILL NOW TAKE PLACE AS FOLLOWS:

TUESDAY, NOVEMBER 27, 1990 at 2:00 p.m.

IN THE BALTIMORE COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE, ROOM 106, TOWSON, MARYLAND 21204.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY

JRH:gs
cc: Robert George Gemmill
John B. Gontz, Esq.

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

September 27, 1990

Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petitions for Special Hearing and Zoning Variance
CASE NUMBER: 91-127-SPHA
S/S Old North Point Road, 50' SE of c/l of Trappe Road
3001 Old North Point Road
12th Election District - 7th Councilmanic District
Petitioner(s): Robert George Gemmill, et ux
HEARING: THURSDAY, NOVEMBER 8, 1990 at 2:00 p.m.

Special Hearing: Termination of the existing Special Exception granted in Case No. 3552-RX. Variance to permit a 5 foot rear yard in lieu of the minimum 20 ft.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY

CC: Mr. & Mrs. Gemmill
John B. Gontz, Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 22, 1991

John B. Gontz, Esquire
814 Eastern Boulevard
Baltimore, Maryland 21221

RE: Petition for Special Hearing and Zoning Variance
Robert G. Gemmill, et ux., Petitioners
Case #91-127-SPHA

Dear Mr. Gontz:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Zoning Variance have been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mm
cc: Peoples Counsel
cc: Mr. and Mrs. Robert G. Gemmill

Baltimore County Government
Department of Public Works
Bureau of Traffic Engineering

401 Bosley Avenue Suite 405
Towson, MD 21204

887-3554
Fax 887-5784

January 10, 1991

REVISED COMMENTS

Item No. 58
Property Owner: Robert George Gemmill, et ux
Location: S/S Old North Point Road, E. of Trappe Road.
B.L.-C.C.C.
Special Hearing to approve termination of the existing special exception.
Area: 0.571 acre
District: 12th Election District
7th Councilmanic

Dear Mr. Haines:

Our office had provided a sketch with our October 2, 1990 comments indicating an area that we requested be dedicated to the County for additional right-of-way. After discussions with the petitioner and his attorney, they expressed their concern that such a right-of-way would prevent them from erecting a sign at a location they would prefer. We have therefore found that a utility easement would be acceptable for our purposes.

Attached is a revised sketch showing the indicated area for which we are requesting a utility easement. This is slightly larger than the area indicated previously. The utility easement for traffic signal equipment and any other underground utilities must be filed with the Bureau of Land Acquisition and recorded and a copy returned to Traffic Engineering for our records.

Should you have any questions, please call.

Very truly yours,
Stephen E. Weber, P.E.
Assistant Traffic Engineer

RECEIVED
JAN 11 1991
ZONING OFFICE

SEW/lvd
Attachment
cc: Mr. Michael Flanigan

9/22/90
DateZoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 58, Zoning Advisory Committee Meeting of September 4, 1990

Property Owner: Robert George Gemmill, et ux District: 12

Location: 3001 Old North Point Road Water Supply: metro Sewage Disposal: metro

COMMENTS ARE AS FOLLOWS:

- (V) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of food handling equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- (V) A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications must be submitted to the Plans Review and Approval of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 887-6500 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- (V) Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- (V) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been _____ must be _____ conducted.
() The results are valid until _____
() Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until _____.
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- (V) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3900.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- () Others _____

N. Haines
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENTBALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCETO: J. Robert Haines
Zoning Commissioner DATE: November 21, 1990FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Robert George Gemmill, et ux., Item No. 58

The Petitioner requests a Special Hearing to termination of the existing special exception granted in Case No. 3662-RX, and a variance to permit a 5 ft. rear yard in lieu of the minimum 20 ft. variance.

Staff will be submitting comments to the Baltimore County Planning Board on November 30, 1990, regarding the applicant's request for a zoning reclassification from B.L.-C.C.C. to B.L.-C.S.A. request for a zoning reclassification from B.L.-C.C.C. to B.L.-C.S.A. (see Case No. CR91-121-SPRKA). In addition, since the or B.L.-C.N.S. (see Case No. CR91-121-SPRKA). In addition, since the are also part of the reclassification, staff will provide comments on the above-mentioned date which, in the opinion of staff, is the appropriate time.

Because a zoning change is required before the property can be developed as proposed, staff questions whether the case can be heard at this time.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm
ITEM58/ZAC1Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(801) 887-3534RECEIVED
OCT 17 1990
ZONING OFFICEDennis F. Rasmussen
County ExecutiveMr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204Item No. 58
Property Owner: Robert George Gemmill, et ux
Location: 3001 Old North Point Road, E. of Trappe Road.Existing Zoning: B.L.-C.C.C.
Proposed Zoning: Special Hearing to approve termination of the existing special exception.
Area: 0.571 acre
District: 12th Election District
7th Councilmanic

Dear Mr. Haines:

The right-of-way along Trappe Road should be increased slightly to provide an area for traffic signal poles and underground cable (see attached sketch).

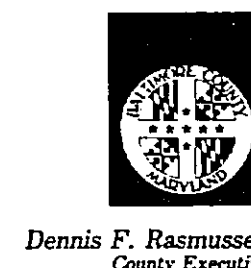
Very truly yours,
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lw

Rec 10/17/90

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3353
J. Robert Haines
Zoning Commissioner

November 14, 1990

John B. Contrum, Esquire
814 Eastern Blvd
Baltimore, MD 21221RE: Item No. 58, Case No. 91-127-A
Petitioner: Robert G. Gemmill, et ux
Petition for Zoning Variance

Dear Mr. Contrum:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

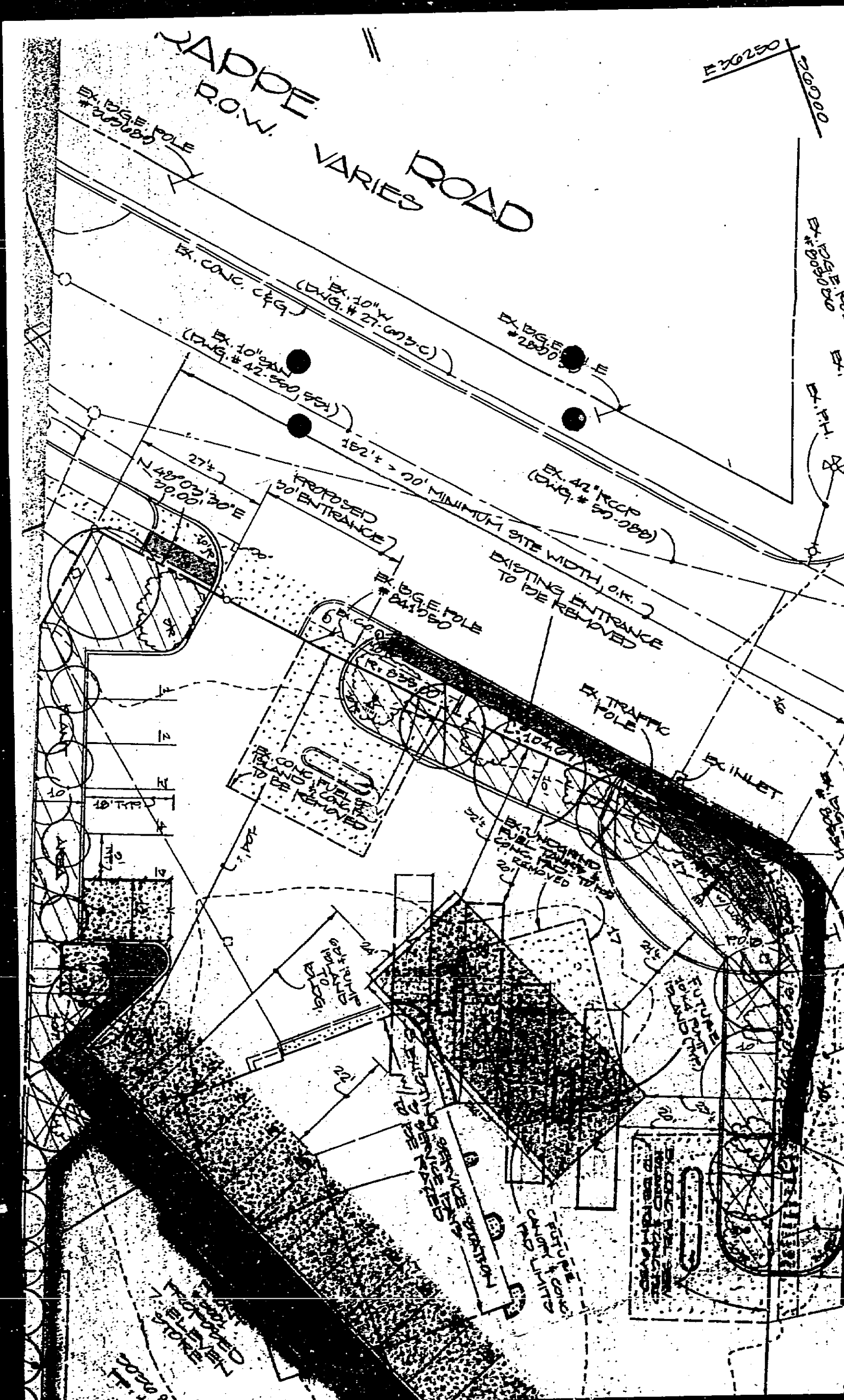
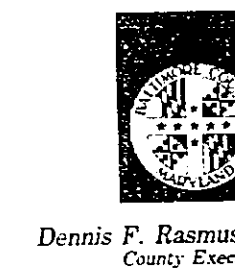
IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Robert G. Gemmill
3001 Old North Point Road
Baltimore, MD 21222Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3353
J. Robert Haines
Zoning CommissionerDennis F. Rasmussen
County ExecutiveYour petition has been received and accepted for filing this
5th day of September, 1990.J. Robert Haines
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory CommitteePetitioner: Robert G. Gemmill, et ux
Petitioner's Attorney: John B. ContrumBaltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(801) 887-4300
Paul H. Reincke
Chief

SEPTEMBER 6, 1990

Dennis F. Rasmussen
County ExecutiveJ. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ROBERT GEORGE GEMMILL

Location: 3001 OLD NORTH POINT ROAD

Item No.: 58 Zoning Agenda: SEPTEMBER 4, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 24

REVIEWER: [Signature] 9-6-90 Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/REK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
September 11, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT OF ZONING
FROM: CHARLES E. BURHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES C-2B

SUBJECT: ZONING ITEM #: 58
PROPERTY OWNER: Robert George Gemmill, et ux
LOCATION: S/S Old North Point Road, 50' SF centerline of Trappe Road (#3001 Old North Point Road)
ELECTION DISTRICT: 12th
COUNCILMANIC DISTRICT: 7th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMPS (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT, COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- () A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
- () OTHER - A razing permit for structure, tanks, etc shall be required.

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: August 30, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for September 4, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 52, 55, 59, 60, 63, 65, 68, 69 and 70.

For Item 58, a County Review Group Meeting is required.

For Items 45, 62 and 66, the previous County Review Group comments still apply.

For Item 57, the topography shows a pole at corner of drive that will interfere with widening. Half paving width of Sulphur Spring Road is 21 feet, right-of-way equals 30 feet (not shown on plan). Entrance apron to be 7-inch concrete on 4-inch CR-6, similar to Plate R-32.

For Item 61, a revised County Review Group Meeting is needed. Original County Review Group Meeting under "Chartley Building" was for one story office.

For 91-42-A, Maryland National Bank Reconstruction, we have no comments.

Robert W. Bowling
ROBERT W. BOWLING, P.E. Chief
Developers Engineering Division

RWB:s



Unimproved 20 foot alley looking East.

PETITIONER'S EXHIBIT 2a



Unimproved 20 foot alley looking West.

7



View from nearest apartment entrance looking directly out.

PETITIONER'S EXHIBIT 2b



View from nearest apartment entrance looking directly at rear property line.

1



Relationship of existing apartment buildings to rear property line.

PETITIONER'S EXHIBIT 2c



Relationship of existing apartment buildings to rear property line.

5



View from front of existing building looking North across Old North Point Road.

PETITIONER'S EXHIBIT 2d



View from front of existing building looking West across Trappe Road.

4



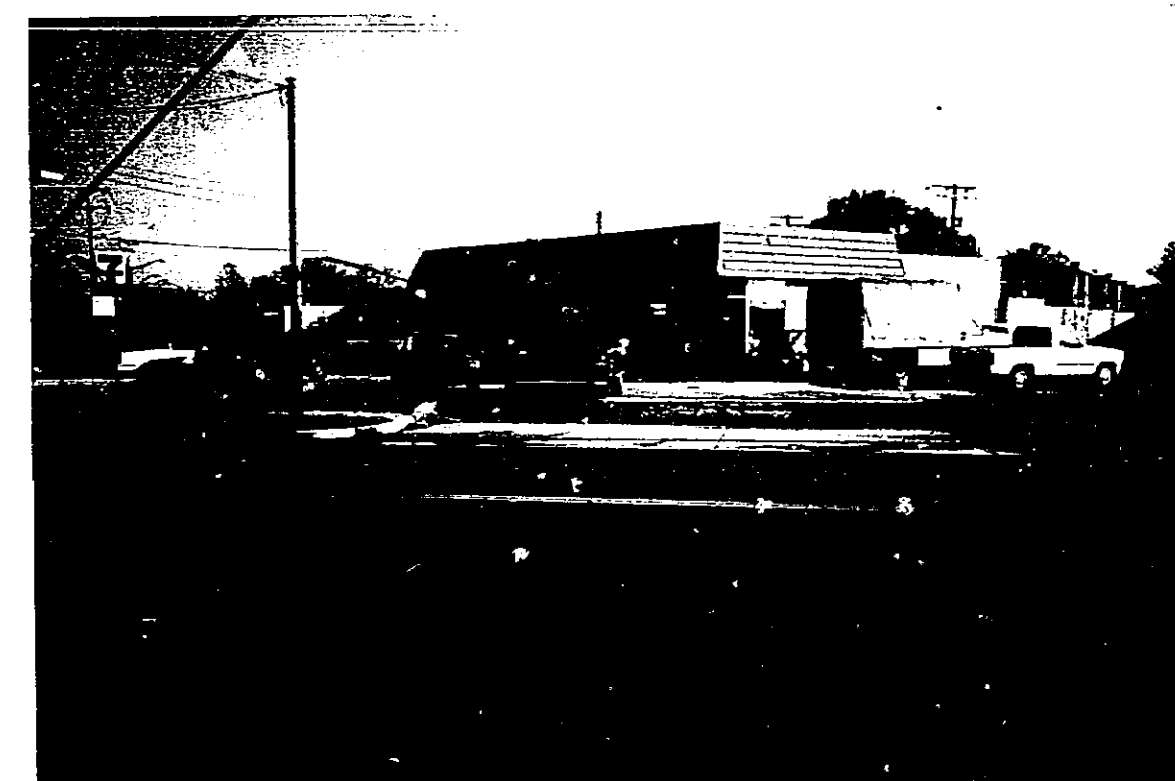
Previous Location of Fuel Service Island along Old North Point Road.

PETITIONER'S EXHIBIT 2e



Previous Location of Fuel Service Island along Trappe Road.

3



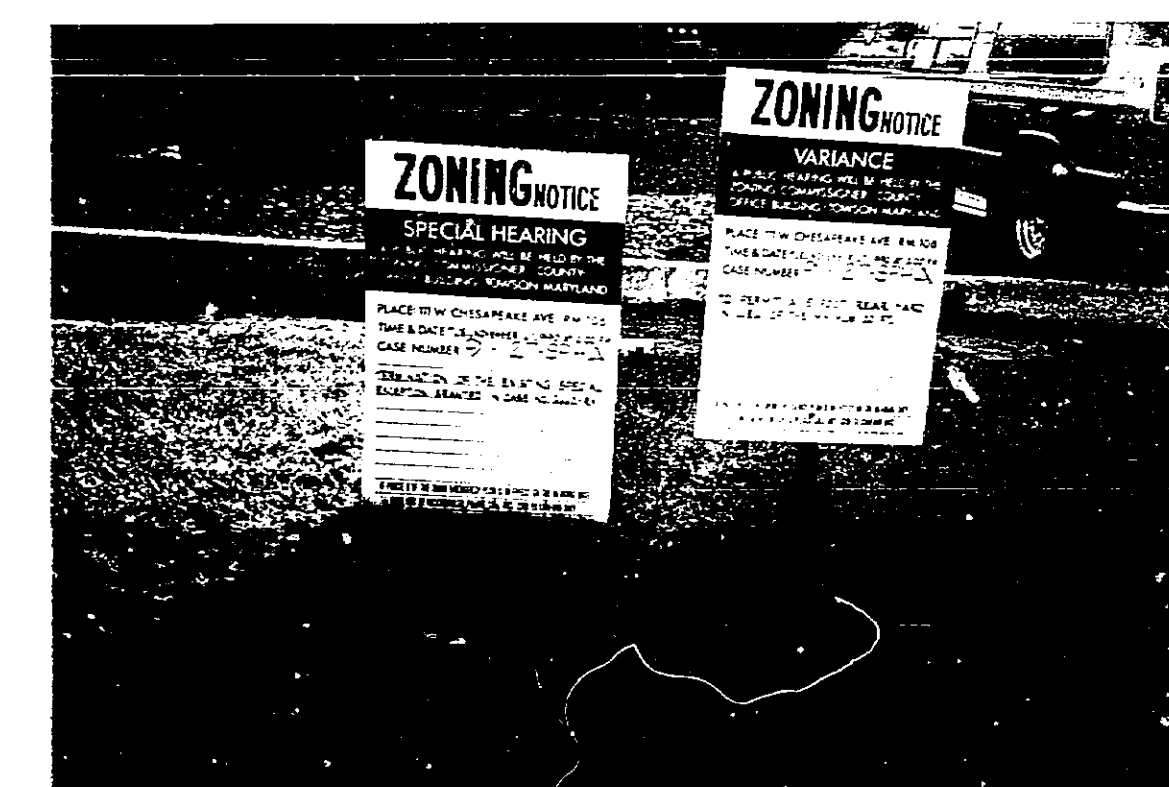
Existing auto service building from Trappe Road.

PETITIONER'S EXHIBIT 2f



Existing auto service building from Trappe Road.

2



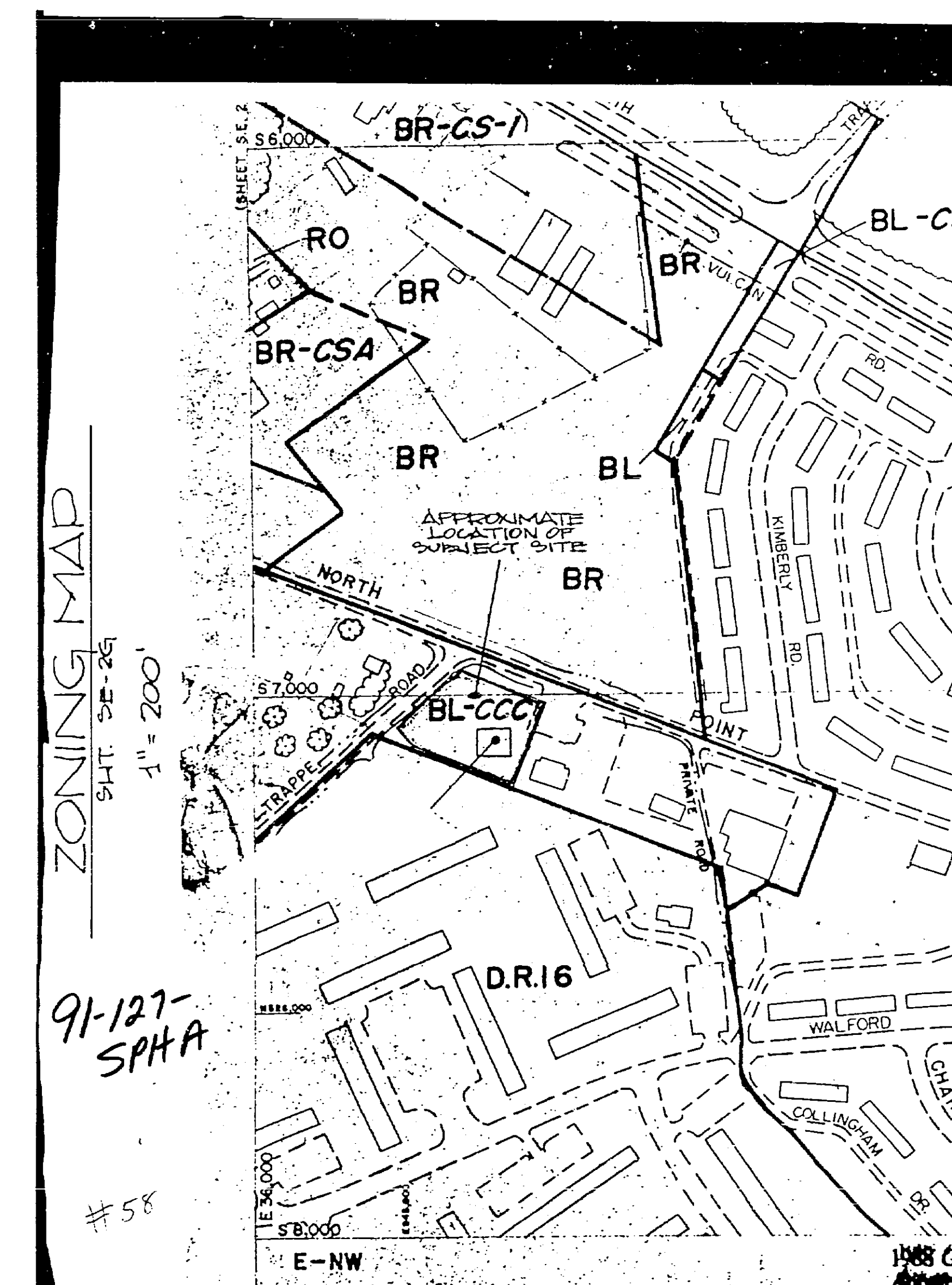
Zoning Notification Signs.

PETITIONER'S EXHIBIT 2h



Existing auto service building from Old North Point Road.

1





APPROXIMATE LOCATION
OF SUBJECT SITE
PROPOSED
7-ELEVEN STORE

**PETITIONER'S
EXHIBIT 3**

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

91-127SPHA

**PETITIONER'S
EXHIBIT 4**

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

NORTH POINT

SHEET

S. E.
2-G